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Sent by: Stacey Dvorak

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To  
cc Lori McClurg/DAS/NEBRLN@NEBRLN  
bcc Gail Broliar/DASER/NEBRLN  
Subject ABC Memo: Reaffirmation of State Policies

History:  This message has been forwarded.

**This memo has been sent to all Agencies, Boards and Commissions.**

Date: July 29, 2005

TO: All Agencies, Boards and Commissions

From: Mike McCrory, Director  
DAS-State Personnel Division

Subject: Reaffirmation of State Policies

This memorandum serves to transmit Governor Heinemans' reaffirmation of the following attached policies covering *Affirmative Action/Equal Employment Opportunity*, *Drug-Free Workplace*, and *Work Place Harassment*.

The State of Nebraska is committed to providing equal employment opportunity for all our citizens; ensuring an employment environment that is not only safe but free of the detrimental effects from the use of illegal drugs; and, prohibiting any form of discrimination in the workplace.

These policies provide guidance to agencies and employees on their responsibilities in the workplace. Adherence to these policies is a primary objective of this Administration. Please forward these policies to your staff and remind them of their importance.

If you have any questions regarding these polices, please contact me at 471-2833.



Work place harassment policy.doc



DRUG-FREE WORKPLACE POLICY.doc



AFFIRMATIVE ACTION EQUAL EMPLOYMENT OPPORTUNITY POLICY.doc

**STATE OF NEBRASKA  
DRUG-FREE WORKPLACE POLICY**

The State of Nebraska is committed to providing an employment environment that is safe and provides appropriate motivation to ensure a creative and productive work force. To this end, the State unequivocally endorses the philosophy that the workplace should be free from the detrimental effects of illicit drugs. To ensure worker safety and workplace integrity, the State of Nebraska, through this document, establishes a Drug-Free Workplace Policy. Compliance with and adherence to this Policy is required by State employees and those who engage or seek to engage in business with the State as specified in this Policy.

This Drug-Free Workplace Policy for the State of Nebraska prohibits the unlawful manufacture, distribution, possession or use of controlled substances in the workplace. Any employee found to be in violation of this Policy will be subject to appropriate discipline and/or may be required to successfully complete an approved drug abuse program sponsored by a private or governmental organization.

The term "controlled substance" refers to any drug listed in 21 U.S.C. 812 and other federal regulations. Such drugs include but are not limited to heroin, marijuana, cocaine, crack and PCP. They also include "legal drugs" which are not prescribed by a physician.

To implement this Policy, the State of Nebraska, through its administrative entities, will adhere to the following procedures:

1. Each agency/administrative entity will establish individual policies which meet the requirements of federal law and state policy. Models have been provided.
2. Each agency will ensure that all employees and each new hire will receive a copy of the State and agency Drug-Free Workplace Policies.
3. Each employee will be required to sign and date a statement certifying that she/he has received and read a copy of the agency Drug-Free Workplace Policy. The signed and dated statement will be forwarded to the individual in charge of personnel records and will be permanently maintained in the employee's personnel file.
4. All current employees will receive drug awareness training. New hires will receive the training within the first six months of date of hire. Training information will, at minimum, consist of:
  - A. A definition of drug abuse;
  - B. Information on specific drugs and the effects of drug abuse;
  - C. Dangers of drug abuse in the workplace;
  - D. Availability of counseling and treatment services; and
  - E. Disciplinary actions which may be imposed on employees for violation of this Policy.
5. If an employee violates the Drug-Free Workplace Policy and/or is convicted of violating any criminal drug statutes in the workplace, she/he will be subject to discipline, up to and including termination, according to established Rules and Regulations of the DAS-State Personnel Division or applicable labor agreements.
6. Agencies, administrative entities and employees are to strictly follow all reporting requirements for drug statute conviction notification as specified in federal law and state and agency policies.

To further strengthen the State of Nebraska Drug-Free Workplace Policy, all businesses, individuals, and organizations engaging in, or seeking to engage in, business with the State must establish and provide proof of a drug free workplace policy.

All code agencies are directed to comply with the provisions of this Policy. All efforts will be made to continually educate employees to the ill effects of illegal drug use and to the benefits of conducting impairment-free lifestyles. All non-code agencies are wholeheartedly encouraged to follow the guidelines of this Policy and help citizens of the State realize the need for a drug free Nebraska.

Dave Heineman,  
Governor

## STATE OF NEBRASKA WORK PLACE HARASSMENT POLICY

It is hereby declared to be the policy of the government of the State of Nebraska that all women and men are to be treated fairly and equally with dignity and respect. Any form of work place harassment is contrary to this Policy and shall be regarded as discrimination on the basis of race, color, religion, age, sex, disability or national origin. It shall be considered a violation of this Policy for any employee to engage in work place harassment or for any supervisory personnel to knowingly permit work place harassment of any employee or recipient of the agency's services. For the purpose of this Policy, the term "agency" shall mean each department, agency, office, board, commission and committee of the State of Nebraska, which either: (1) is under the executive authority of the Governor, or (2) voluntarily elects to participate in the Affirmative Action Plan of the State of Nebraska.

For the purpose of this Policy, "work place harassment" shall be defined as sexual harassment or any inflammatory comments, jokes, printed material and/or innuendo, based in whole or in part, on race, color, religion, age, disability or national origin, when:

- (1) such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment;  
or
- (2) such conduct interferes unreasonably with a person's work or employment opportunities.

For the purpose of this Policy, "sexual harassment" shall be defined as any unwelcome sexual advances, requests for sexual favors, and either verbal or physical conduct of a sexual nature, when:

- (1) submission to such conduct is made, either explicitly or implicitly, a term of an individual's employment or a condition to receipt of services by a recipient of the agency's services; or
- (2) submission to or rejection of such conduct by an individual is used as the basis for employment or agency decisions affecting an employee or a recipient of the agency's services; or
- (3) such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or the receipt of services by a recipient of the agency's services, or of creating an intimidating, hostile or offensive environment.

It is further declared to be the policy of the government of the State of Nebraska that all agencies shall be obligated to eliminate all forms of discrimination in the work place and shall take immediate and appropriate action to investigate all instances of alleged work place harassment. In the event that any allegation of work place harassment is substantiated, the agency involved shall take prompt corrective action including, where appropriate, disciplinary action imposed pursuant to Title 273, Chapter 13 of the State Classified Personnel Rules and Regulations, or pursuant to such other policies, rules or regulations as may apply.

It is further declared to be the policy of the government of the State of Nebraska that all affected agencies shall have an internal agency policy pertaining to work place harassment. In order to foster the development of such internal policies, model language has been prepared for use by the agencies. This model language has been carefully drafted in order to guarantee that the policy of the government of the State of Nebraska concerning work place harassment will be thoroughly and effectively implemented on the agency level. Agencies are directed to consult with the State Affirmative Action Office prior to the implementation of any policy that would deviate from this model language.

Any individual who believes that he or she has been the subject of work place harassment is encouraged to report the alleged incident immediately to the appropriate persons as specified in the agency work place harassment policy.

Dave Heineman,  
Governor

**STATE OF NEBRASKA**  
**AFFIRMATIVE ACTION/EQUAL EMPLOYMENT OPPORTUNITY POLICY**

The State of Nebraska firmly supports the policies of both affirmative action and equal employment opportunity. All policies and procedures for the State shall be administered in a manner that prohibits discrimination against any individual or group based upon race, color, religion, sex, age, national origin, physical or mental disability or marital status.

The State of Nebraska has formally endorsed these policies through the passage of the Nebraska Fair Employment Practices Act and State Statute 81-1355, which affirm the State's commitment to affirmative action and equal employment opportunity. Through these actions, it is the intent of the State to maximize the effective use of human resources and, in so doing, insure that the State government work force is representative of the composition of the State labor force. In this regard, all employees and applicants for employment shall be given equal access to employment and advancement opportunities. Also, those charged with administrative and decision making responsibilities shall take deliberate steps and employ results-oriented procedures to identify and eliminate artificial barriers to employment and advancement which serve to discriminate against protected groups.

To implement these policies, the State of Nebraska, through its administrative entities, will strive to:

- (1) Recruit, hire, train and promote in all job classifications and at all levels without regard to race, color, religion, age, sex, marital status, national origin or mental or physical disability.
- (2) Insure that all personnel actions (including but not limited to compensation, benefits, transfers, layoff, termination, reinstatement, tuition assistance, selection for education or training, treatment during employment or any other conditions of employment) are administered in an open and non-discriminatory manner.
- (3) Base hiring and employment decisions so as to further affirmative action and equal employment opportunity in State government.
- (4) Develop goals and timetables directed towards reversing situations where underutilization of protected class individuals exists.
- (5) Develop results-oriented agency and statewide affirmative action plans.
- (6) Develop positive and vigorous recruitment and community outreach activities to inform, identify and attract protected class individuals to employment opportunities within State government.
- (7) Communicate the State affirmative action and equal employment opportunity policies to employees and prospective employees.
- (8) Identify and eliminate practices, policies and procedures which result in disparate impact or unfair treatment.
- (9) Create a work place environment absent from any form of work place harassment based, in whole or in part, on race, color, religion, age, sex, disability or national origin, which manifests itself in the form of inflammatory comments, jokes, printed material and/or innuendo, unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature.

All code agencies shall make and demonstrate good faith efforts to follow and promote the principles of equal employment opportunity and affirmative action. Each agency shall, in cooperation with the State Affirmative Action Office, strive to accomplish goals and objectives necessary to establish and continue a State Affirmative Action Program which indicates and projects comparability between the State labor force and State government work force. In addition, all non-code agencies are encouraged to participate in the affirmative action program through the development of affirmative action plans.

Finally, as Governor, I am firmly committed to and fully support equal employment opportunity and affirmative action. A realization of the goals and objectives of these policies will ultimately benefit all citizens of the State of Nebraska. I wholeheartedly endorse actions that insure compliance with the letter, intent and spirit of these policies.

Dave Heineman,  
Governor